IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

WP(C).No. 26495 of 2007(D)

PETITIONER:

SOPHIA, AGED 35 YEARS,
W/O. ABDUL SAMAD, PALAKKAPARAMBIL HOUSE,
MARAMPILLY VILLAGE, MUDICKEL P.O.,
ERNAKULAM DISTRICT.

BY ADV. SRI.C.A.NAVAS
SRI.T.K.SASIKUMAR
SRI.SHABEER ALI
SMT.SIMI C.SIVASANKAR

RESPONDENTS:
----

1. THE ASSISTANT ENGINEER, MINOR IRRIGATION SECTION, PATTIMATTOM, ERNAKULAM DISTRICT 683 562.

2. ASSISTANT EXECUTIVE ENGINEER, MINOR IRRIGATION SECTOR, ALUVA ERNAKULAM DISTRICT.

3. THE SECRETARY, IRRIGATION DEPARTMENT, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
==========
W.P.(C) NO. 26495 OF 2007
==========

Dated this the 13th day of September, 2007

J U D G M E N T

The petitioner wants to have Ext.P3 quashed and to restrain the respondents from demolishing the slab constructed by him allegedly on the basis of Exhibits P1 and P2. On instructions, learned Government Pleader submits that the petitioner had entered into an agreement with the respondents for the construction of the slab and that, on construction of the slab, it was found that the same was done in violation of the terms of the agreement. It was therefore that the respondents acted against the petitioner, which resulted in the impugned proceedings.

While the petitioner asserts that he constructed the slab fully in compliance with Exhibits P1 and P2 and that he has not violated the terms thereof, it is disputed by the

respondents. It being a dispute on a question of fact, cannot be decided under Article 226 of the Constitution of India. Relegating the petitioner to pursue his remedies for establishing his right in an appropriate proceedings, this writ petition is dismissed.

ANTONY DOMINIC, JUDGE.

Rp